Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

DATE: June 11, 2014

TO: Esther L. Valadez, Chair
Laura Shell, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Kim K. Szalay
Principal Planner, Special Projects

SUBJECT: PROJECT NOS. R2011-00833-(5), R2011-00798-(5), R2011-00799-(5), R2011-00807-(5), R2011-00801-(5), R2011-00805-(5)
CONDITIONAL USE PERMIT NOS. 201100079, 201100070, 201100071, 201100076, 201100072, 201100074
ZONE CHANGE NO. 2011000109
ENVIRONMENTAL ASSESSMENT NO. 201100109
SILVERADO POWER WEST, LOS ANGELES COUNTY PROJECTS 1-6
AGENDA ITEMS 6-11

Additional comment letters regarding the Silverado Power Projects 1-6 have been received and are attached.

If you have any further questions, please contact Mr. Kim Szalay at (213) 974-4876, or, by email at kszalay@planning.lacounty.gov.

KKS

Attachments: Additional Comment Letters

VCS Environmental
EXPERT SOLUTIONS · CEQA-NEPA . Biology . Regulatory

June 3, 2014

Kim Szalay
County of Los Angeles
320 West Temple Street, Room 1362
Los Angeles, CA 90012

SUBJECT: LOS ANGELES COUNTY HEARING JUNE 11, 2014 REGARDING SILVERADO SOLAR

Dear Kim:

On behalf of our client Land Veritas Corp, please consider this letter a request to modify the mitigation requirements for Silverado Project Numbers R-2011-00833, 00799, 00807, 00801, and 00805 which are on the June 11th Regional Planning Commission meeting agenda. Specifically, we would like the Mitigation Monitoring and Reporting Program (MMRP) to be expanded to include the Petersen Ranch Bank (the "Bank") as superior "replacement lands" which allow the lowest mitigation ratio for Silverado, namely a 1:3 ratio.

As you know, the Petersen Ranch is located in the Leona Valley and includes close to 4,000 acres of Swainson's Hawk habitat along with wetlands, alluvial fan, burrowing owl and various other sensitive habitat types and species. The Bank is supported by community members and would preserve a major portion of the Leona Valley as managed open space in perpetuity. Swainson's Hawk expert Pete Bloom has identified the Petersen Bank as one of the areas "best available for nesting and foraging habitat in the Antelope Valley west of State Highway 14."

The Silverado MMRP describes a tiered system of mitigation for Swainson's Hawk for its projects. The Bank meets all of the criteria for the lowest mitigation ratio, as it provides superior nesting and foraging habitat; it is located within 5 miles of an occupied Swainson's Hawk nest; it is within a proposed SEA; it will be protected in perpetuity with a conservation easement that will be held by a California Department of Fish & Wildlife-approved non-profit land trust; and a substantial endowment will be funded concurrent with recordation of the conservation easement to fund long term management. Long-term management tasks include site monitoring and inspection, weed management, access controls, trash removal, grazing management, fence repair and replacement, sign maintenance and other activities to maintain the high quality habitat on site. We would respectfully request that the Condition B-4 of the MMRP be amended as follows:

Replacement land will be provided based on the quality of the mitigation land relative to the impacted habitat. The ratio of such replacement shall be determined as follows:

- *A ratio of one acre of replacement land for each 3 acres of development if the replacement land is superior nesting and foraging habitat* ***either*** *contiguous to occupied nesting and foraging habitat or* ***within the Petersen Ranch Mitigation Bank in the Leona Valley,*** *and within a designated or proposed Significant Ecological Area.*

Thank you for consideration of this request.

Sincerely,

Julie Vandermost
President

Cc: Norm Hinkling, County of Los Angeles
Edel Vizcarra, County of Los Angeles
Tracey Brownfield, Land Veritas

ISAIAH 58
IS NOT THIS THE FAST THAT I HAVE CHOSEN?

ALL NATIONS INTERNATIONAL

June 6, 2014

Department of Regional Planning
320 W. Temple Street, Room 1348
Los Angeles, California 9001

Supervisor Esther L. Valadez, Chair
Supervisor David W. Louie
Supervisor Laura Shell, Vice Chair
Supervisor Curt Pedersen
Supervisor Pat Modugno

ALL NATIONS INTERNATIONAL
44505 90th Street West
Lancaster, CA 93536
Tel +1661 722-7078
Text +1661 618-7663
Fax +1661 718-8110
www.allnationsIs58.org

The purpose of this letter is to express our concerns regarding the Silverado Power West Los Angeles County Project 4: R2011-00807 (CUP201100076) located at 97th Street West & West Avenue I, Lancaster, CA and the direct impact that it will have on our organizations.

For the last 60 years All Nations International and Sommer Haven Ranch have provided millions of volunteer hours for the underserved in the Antelope Valley, the County of Los Angeles and throughout the world. In 2005, we were issued Conditional Use Permit R2005-02587 for a Private Retreat Center/Agriculture Training Center.

After consulting several technical experts we have devised a plan to mitigate the direct impact that Silverado Power West will have on our retreat center:

1. Install improved weather-stripping to the residential building located on our property.
2. Install Vegetative screening on our property on the East 712 feet of APN 32180002004 and APN 3218002013.
3. Install Silt fencing along the same East side as well the West (approximately 331 feet) and North side (approximately 332 feet) of APN 3218002026. (To minimize rodent and snake migration during construction.)
4. Replace three existing evaporative coolers with equivalent Master Cool Evaporative Coolers with 12" media to minimize fugitive dust inside the house.
5. Install wind fencing on the North and West Sides of the property.
6. Install wind fencing around the house.
7. Install Garden Hoop Houses for the Community Garden Project.
8. Plant approximately 1,000 trees around and throughout the property.

Silverado Power West has offered to increase vegetative screening and install a slated fence, (on their own property) and will provide temporary relocation during construction-related ground disturbing activities for our residents with respiratory health concerns. We have talked about this but it is not feasible because it will severely hinder our entire ministry. So we would have to move our entire ministry or not move at all. We are coming to you because we do not want to appear to be "making a deal".

We feel that these measures must be done for the health of our staff, visitors and the community that frequents our training center. We are not experts and our main concern is health.

We would like the commissioners to rule that Silverado Power West Los Angeles County would be liable for any health issues that would as a result of the extra dust both now and in the future.

Sincerely,

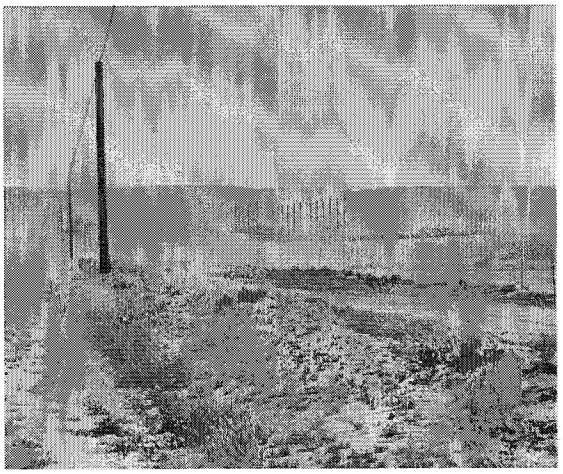
Teresa Skinner
Executive Director
All Nations International

For the sake of our research on two different days May 9 and May 18, 2014 these photos were taken at the Silverado Project located 2 miles north of our location at:

MAY 9, 2014 Approximately 3PM

90TH ST WEST SOUTH OF AVE H
LANCASTER, CA

MAY 09, 2014
APPROX 3PM



90TH ST WEST SOUTH OF AVE H
LANCASTER, CA

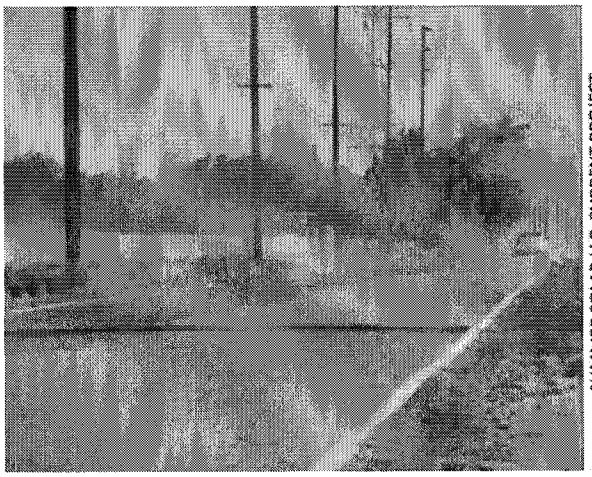
MAY 09, 2014
APPROX 3PM

90TH ST WEST SOUTH OF AVE H
LANCASTER, CA

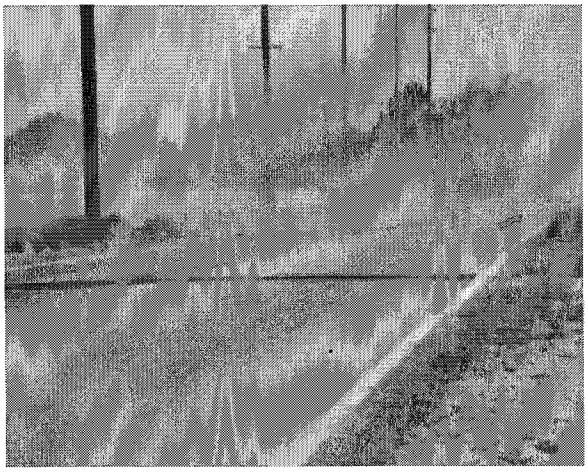
MAY 09, 2014
APPROX 3PM

MAY 18, 2014 Approximately 8AM

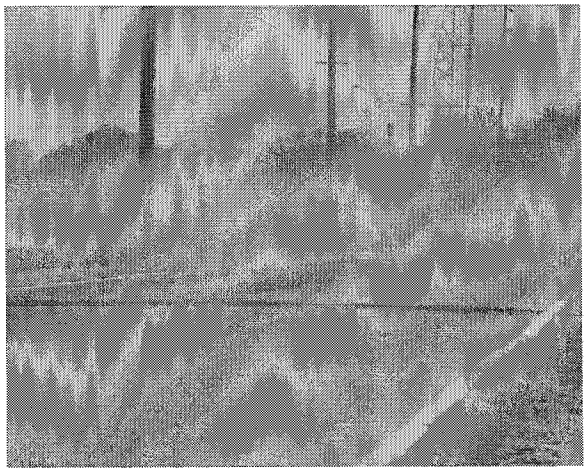
SUMMER SOLAR LLC CURRENT PROJECT
90TH ST WEST SOUTH OF AVE H, LANCASTER CA
MAY 18, 2014



SUMMER SOLAR LLC CURRENT PROJECT
90TH ST WEST SOUTH OF AVE H, LANCASTER CA
MAY 18, 2014 APPROX 8AM



SUMMER SOLAR LLC CURRENT PROJECT
90TH ST WEST SOUTH OF AVE H, LANCASTER CA
MAY 18, 2014 APPROX 8AM



SUMMER SOLAR LLC CURRENT PROJECT
90TH ST WEST SOUTH OF AVE H, LANCASTER CA
MAY 18, 2014 APPROX 8AM

Kim Szalay

From: Margaret Rhyne [m.rhyne@verizon.net]
Sent: Monday, June 09, 2014 8:38 AM
To: Kim Szalay
Cc: nhickling@lacbos.org; ontishima1775@gmail.com; JillRMoran@gmail.com; jim.dodson@verizon.net; kj.allen96@gmail.com; kportwest@roadrunner.com; rrhomestead@qnet.com; debbie@dshsolutions.com
Subject: Re: 6 questions regarding the Silverado Project Mitigation Monitoring and Reporting Program

Resending my questions. Questions are in the text below but also attached as a PDF. Not sure why the original email did not get to you intact.

On 06/08/14, Margaret Rhyne<m.rhyne@verizon.net> wrote:

I have six questions in regard to the Silverado Project. I hope that you can answer these questions prior to the hearing on Wednesday:

Mitigation and Monitoring and Reporting Plan for Silverado's 6 Proposed Solar Projects

DUSTCONTROL AND LANDSCAPE PLANS

Many of the crucial details in elements of this project are not included in the FEIR or accompanying documents. These details are consequently not available to the public for comments. Those include the following listed in the Mitigation Monitoring and Reporting Plan:

Fugitive Dust Control Plan that must be submitted to "AQMD for review and approval" prior to any ground disturbance activities

Landscape Plan required to be submitted to both LACDRP and LACFD "Prior to 1st grading or building permit whichever comes first for each project."

1. *1. When will the public be able to view these plans?*

COMPLIANCE LOGS

Many of the monitoring measures listedi n the MMRP require the action: "Maintain logs demonstrating compliance."

2. *2. Will the public have access to those logs in a timely manner?*

Land Acquisition Schedule and Financial Assurances:

From the MMRP:

> "The Applicant shall complete acquisition, or execute an irrevocable option to purchase, of proposed Habitat Management lands and shall provide financial assurances for dedicating adequate funding for impact avoidance, minimization, and compensation measures, if necessary, prior to the issuance of building permits. If an irrevocable option to purchase is utilized, the applicant shallprovide a proposed date of purchase which coincides with construction of the facility."

Regarding these Habitat Management Lands:

Total acreage of impacted land is given under the heading Total Developed Acreage given on Table 3-2 and 3-5 of Section 3.0 of the EIR. This table states the total amount of "developed acreage" to be 943.08acres. (Adding the acreage given for each of the six projects: 238.8, 117.49, 134.14, 254.06, 159.41, 38.18)

3. *3. Will the acquisition of Habitat Management Lands be based on the total acreage of developed or "impacted" land of 943.08 acres?*

4. *4. Will any of this land be allowed to be "on-site" as it was with the West Antelope Solar project?*

5. *5. Will all of this land be in the Antelope Valley IBA (Important Bird Area, as identified by the Audubon Society) as are all 6 of the Silverado Projects?*

6. *6. Finally, in reference to the West Antelope Solar Project,has the Planning Commission been informed that Project 2 of the Silverado Project borders the 84.5 acres of onsite mitigation that was approved for the West Antelope Solar Project? And, although39 acres of Project 2 will be left undeveloped (due to elevation irregularities that would require grading) that the portion of Project 2 bordering the West Antelope Solar onsite mitigation land will be covered with solar arrays?*

Kim Szalay

From: Laura Crane [lcrane@TNC.ORG]
Sent: Monday, June 09, 2014 2:26 PM
To: Kim Szalay
Cc: Erica Brand
Subject: Testimony from The Nature Conservancy on Silverado Power's proposed solar facilities
Attachments: 2014_Silverado_LACountyHearing.pdf

Dear Mr. Szalay,

The Nature Conservancy would like to submit the attached letter as testimony for the Regional Planning Commission meeting on June 11th. Would you please forward the letter to the regional planning commissioners?

If you have any questions, please do not hesitate to contact me at this email address or at (760) 399-7275.

Thank you for the opportunity to comment.

Laura Crane

Please consider the environment before printing this email

Laura Crane
Director, CA Renewable Energy Initiative

lcrane@tnc.org
(415) 418-6513 (Direct)
(760) 399-7275 (Mobile)

The Nature Conservancy California
201 Mission Street, 4th Floor
San Francisco, CA 94105

The Nature Conservancy
Protecting nature. Preserving life.™

nature.org

The Nature Conservancy
Protecting nature. Preserving life.

Attention: Regional Planning Commissioners, Los Angeles County
320 W. Temple Street
Los Angeles, California 90012

Cc: Kim Szalay

Date: June 9, 2014

Subject: Written Testimony for June 11th Meeting

The Nature Conservancy ("the Conservancy") appreciates the opportunity to submit written testimony to the June 11th meeting of the Regional Planning Commission of Los Angeles County. Our written testimony is in regards to planning for renewable energy within the western Mojave region of Los Angeles County and in particular the solar photovoltaic electricity generation facilities proposed by Silverado Power, LLC.

The Nature Conservancy is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. The Conservancy has been actively involved in planning for renewable energy within the Mojave and Sonoran Deserts of California. Most recently, the Conservancy has participated in the Bureau of Land Management's (BLM's) Western Solar Program and in the Desert Renewable Energy Conservation Plan (DRECP), contributing a Mojave Desert Ecoregional Assessment[1] that evaluated conservation value across the ecoregion. In 2012, the Conservancy produced the report, *Solar Energy Development in the Western Mojave Desert: Identifying Areas of Least Environmental Conflict for Siting and a Framework for Compensatory Mitigation of Impacts*[2] ("Western Mojave Desert Assessment").

The Conservancy's principal focus in renewable energy development in the California deserts has been to use science-based analysis to help ensure that renewable energy facilities are sited and conditioned in ways that preserve the remarkably intact and fragile natural communities of California's Mojave and Sonoran Deserts, and to preserve migration corridors and connectivity between key habitat areas.

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[1] Randall, J. M., S.S. Parker, J. Moore, B. Cohen, L. Crane, B. Christian, D. Cameron, J. MacKenzie, K. Klausmeyer and S. Morrison. 2010. Mojave Desert Ecoregional Assessment. Unpublished Report. The Nature Conservancy, San Francisco, California. 106 pages + appendices. Available at:
http://scienceforconservation.org/downloads/mojave_desert_ecoregional_assessment

[2] Cameron, D., S. Parker, B. Cohen, J. Randall, B. Christian, J. Moore, L. Crane, and S. A. Morrison. 2012. Solar Energy Development in the Western Mojave Desert: Identifying Areas of Least Environmental Conflict for Siting, and a Framework for Compensatory Mitigation of Impacts. Unpublished Report. The Nature Conservancy, San Francisco, California. 77 pages. Available at:
http://scienceforconservation.org/downloads/west_mojave_assessment

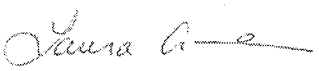
We strongly support the development of renewable sources of energy to mitigate the increasing threat of climate change. However, if not located, built, and operated responsibly, energy projects can negatively impact biodiversity, harm wildlife and their important habitats, and diminish water resources, especially in fragile desert environments. The Conservancy supports siting renewable energy facilities in locations where ecological impacts can be minimized, contained, or mitigated. In California's desert region, these locations are on degraded lands, close to economic centers and existing transmission lines.

The solar photovoltaic electricity generation facilities proposed by Silverado Power, LLC, are examples of projects that meet many of these criteria. For example, the following Silverado Power proposed projects are all sited in areas that the Conservancy identified as highly converted in its Mojave Desert Ecoregional Assessment: American Solar Greenworks (Project No. R2011-00799, CUP No. 201100071), Silver Sun (Project No. R2011-00801, CUP No. 201100072) and Central Antelope Dry Ranch – Antelope Solar Greenworks (. R2011-00807, CUP No. 201100076). Highly converted lands are urban, suburban and agricultural lands that are heavily altered and their ecological context is highly compromised. Siting of renewable energy facilities in highly converted lands minimizes impacts to a wide range of desert wildlife and habitats. In addition, the Conservancy mapped "areas of least conflict" for siting of facilities based on proposed criteria for ecological factors in the California deserts proposed by a number of conservation organizations, using a methodology described in our Western Mojave Desert Assessment. Both the Silver Sun and the American Solar Greenworks proposed projects are located in places that the Conservancy mapped as areas of least conflict.

We appreciate the emphasis that Los Angeles County has placed on planning for renewable energy within the western Mojave. This planning is critical given that the western Mojave contains important ecological values, including some species that exist nowhere else on Earth, and has very high solar resource potential, and is in close proximity to the largest energy market in California.

If you have any questions, please do not hesitate to contact me at (760) 399-7275 or lcrane@tnc.org.

Sincerely,



Laura Crane
The Nature Conservancy

BAYSIDE FINANCIAL GROUP

Steven G. Thompson
President
Real Estate Broker
DRE # 00519403

COMMERCIAL REAL ESTATE

1660 S. Amphlett Blvd. Suite 104, San Mateo, CA 94402 USA
www.BaysideFinancialGroupInc.com

(650) 207-3172 mobile • (650) 655-7696 fax
stevebayside@yahoo.com

June 6, 2014

Esther L. Valadez
Chair, Los Angeles County Regional Planning Commission
320 West Temple Street
Los Angeles, CA 90012

Dear Commissioner Valadez,

I am the current landowner of APNs 3218001002 and 3218001003, which are a part of the Antelope Solar Greenworks project proposed by Silverado Power. I am writing to express support for the proposed Antelope Solar Greenworks Solar Generating Facility (SGF) located in the Antelope Valley in unincorporated Los Angeles County. The project will produce a local source of clean, renewable energy, help the County meet its ambitious greenhouse gas emission reduction targets and help meet state mandates to produce 33% renewable power by 2020.

The recession has hit the Antelope Valley hard and over the past few years thousands of people have lost their jobs. Silverado plans to utilize local businesses during construction and employ as much local labor as possible. The project will create much needed jobs as well as indirect economic stimulus that will help boost the local economy.

Silverado has worked closely with the Los Angeles County Department of Regional Planning, state and local agencies, community groups and area residents to ensure the project is developed in a responsible manner. The project will have negligible environmental impacts, provide direct access to existing electrical infrastructure, and enable the development of a cost-effective project to deliver clean, renewable, domestically-produced energy to the region.

Silverado Power is an established solar developer with an excellent reputation for responsible solar development in the Antelope Valley. I appreciate the integrity of Silverado Power as they have developed this project. I encourage the Los Angeles County Regional Planning Commission to approve the Conditional Use Permit for the Antelope Solar Greenworks project.

Sincerely,

Steve Thompson
Real Estate Broker/Co-Manager
2555 Flores St. Suite 555
San Mateo, CA 94403

Kim Szalay

From: Margaret Rhyne [m.rhyne@verizon.net]
Sent: Tuesday, June 10, 2014 11:19 AM
To: Kim Szalay
Cc: nhickling@lacbos.org; cglass@ix.netcom.com; jolesh1@yahoo.com; JillRMoran@gmail.com; jim.dodson@verizon.net; kj.allen96@gmail.com; kportwest@roadrunner.com; rrhomestead@qnet.com; debbie@dshsolutions.com; ontishima1775@gmail.com; DesertMama1@gmail.com
Subject: Re: Comments: Silverado FEIR v2
Attachments: V2 FAVOS RE SILVERADO HEARING JUNE 22.pdf

Corrected some typos. Please use this version.
Thank you

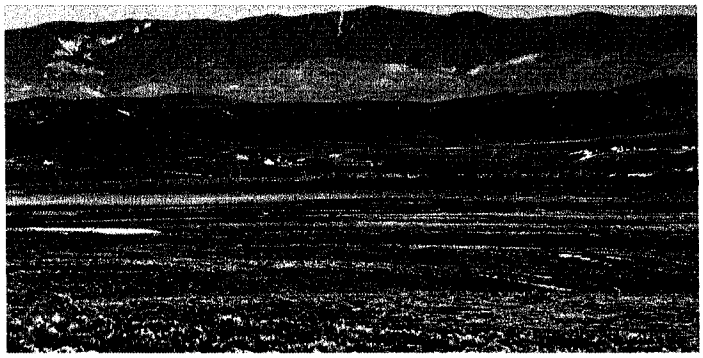
On 06/10/14, Margaret Rhyne<m.rhyne@verizon.net> wrote:

Attached you will find formal comments on the Silverado FEIR on behalf of Friends of Antelope Valley Open Space.
Thank you for passing these comments along to the Planning Commission,
Margaret Rhyne
Member, Friends of Antelope Valley Open Space
www.avopenspace.org

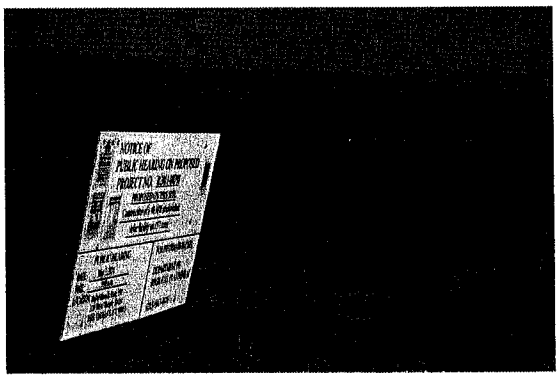
Surveys conducted after three years of drought vastly undervalue biological value of land to be impacted

EIR Section 4.4.3 "The project sites consists of predominately depauperate landscape (i.e. bare ground, disturbed salt brush scrub habitats, non-native grasslands, and developed lands). Project lands are generally limited in the total number and variety of plant and wildlife species, and lacks high biomass density and biological diversity."

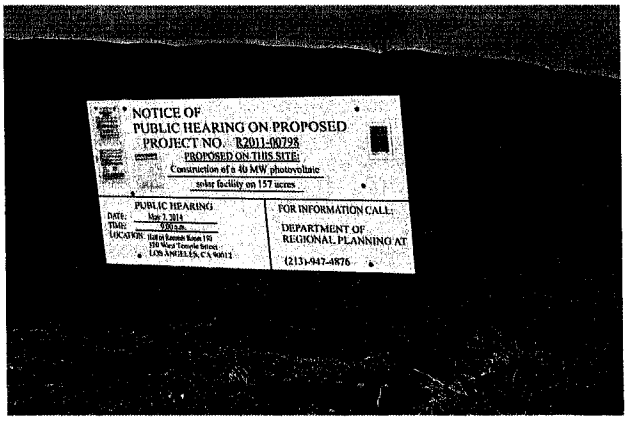
Below are photos of the bare ground referenced in the EIR, a document that also states that "the scenic character on the valley floor is generally low." These are photos of that "bare" land with "low" scenic value— lands that tens of thousands visit and photograph every spring precisely because of the vibrant scenic value created by a widespread bloom of diverse California native wildflowers. Photos take March and April



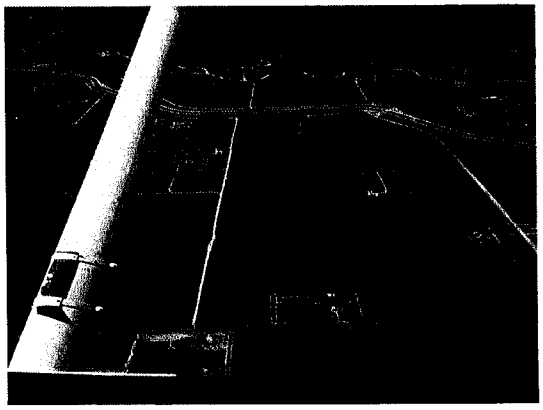
View from 110th Street looking northwest
Includes lands approved for West Antelope Solar



Silverado Project 2



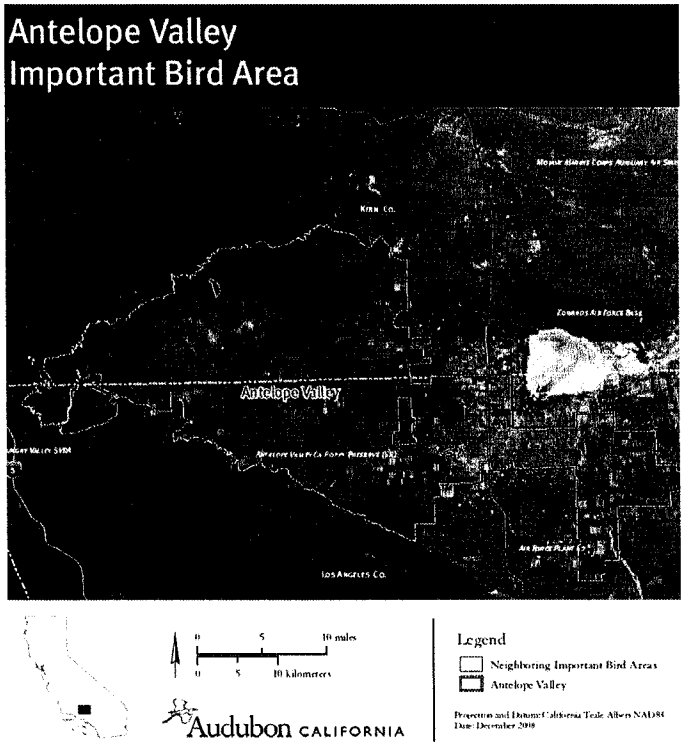
Silverado Project 2



Aerial view of Western Antelope Valley

This past spring, annuals in these wildflower fields included: California poppy, goldfields, California primrose, Mojave suncups, wild rhubarb, prickly poppy, desert dandelion, tidy tips, Fremont pincushion, several varieties of forget-me-nots, owls clover, several varieties of buckwheat, wishbone bush, silver puff, locoweed, several varieties of lupine and more. And of course, as the annuals return so do painted lady butterflies (all over the valley this spring) and other insects, followed by the birds and rodents that feed on them and so on up the food chain to burrowing owls and Swainson's hawks and of course other mammals and raptors.

Evidence that would have resulted in a more accurate assessment of biological values was ignored.



In light of the severe drought conditions it is disturbing that no effort was made to use evidence that could be gathered from other sources of information about the biological and scenic importance of the area. At least two sources of documentation could have been included in the EIR as this information was sent to Regional Planning as part of the NOP comment period. However this information was ignored:

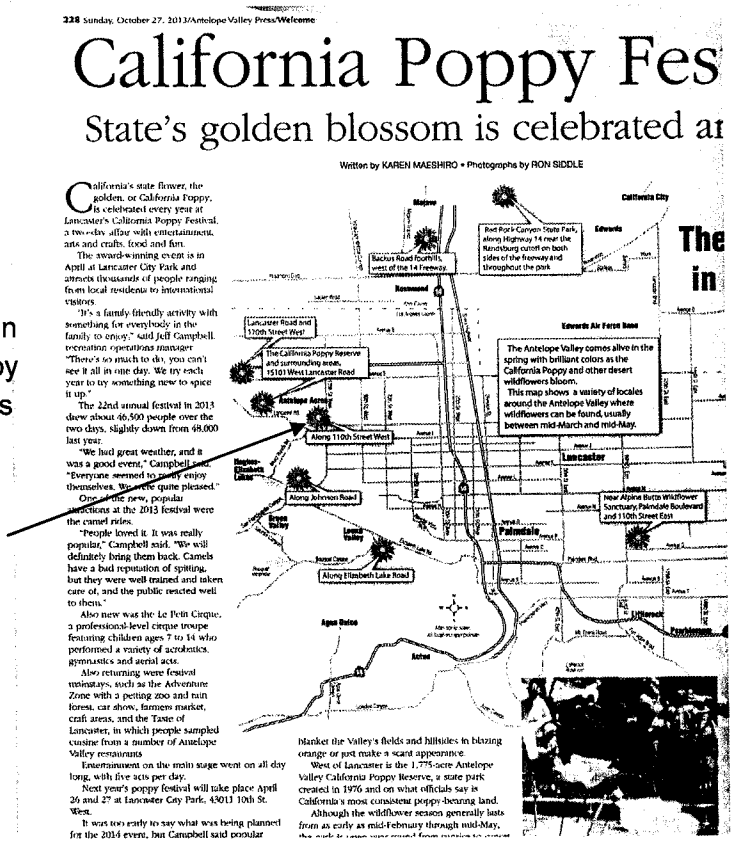
1. Designation of the Area by the Audubon Society as a "Globally Important Bird Area" **one of only 424 in the entire world!** This is not mentioned in the EIR. (Map to the left)
2. Documentation of wildflower blooms in the local publication *Antelope Valley Welcome* Magazine published by the Antelope Valley Press, shown below. Map include with the article shows the location of Project 2 as a well-known prolific wildflower area.

"State's Golden Blossom Celebrated in the Antelope Valley"

Antelope Valley Press, October 27, 2013
Antelope Valley Welcome Magazine

From the article, "The Antelope Valley comes alive in the spring with brilliant colors as the California Poppy and other desert wildflowers bloom. This map shows a variety of locales around the Antelope Valley where wildflowers can be found.."

One of those "locales" is "Along 110th Street" Location of Silverado Project 2



To take such a limited "snap shot" of the project areas by focusing solely on a survey done under extreme drought conditions to the exclusion of all other sources of information does a great disservice to the effort to maintain the biodiversity and rural character of the Antelope Valley. This is particularly problematic if subsequent projects will be allowed to site this very flawed valuation of the biological and aesthetic value of Antelope Valley lands to justify construction of future industrial solar projects.

In addition, because project evaluation of impacted lands relies on incomplete information, calculations of mitigation land will also be inaccurate. At the very least, Project 2, next to mitigation land and Project 5, next to a working alfalfa ranch and an active Swainson's hawk nest as defined by CDFW, should have a higher valuation for the purposes of computing ration of impacted land to mitigation required.

FEIR Reflects Inadequate Responses to Project Concerns

We see no changes in the FEIR that adequately address many concerns expressed in letters sent during both the NOP and EIR review process. Many of the responses reference the landscaping plan as mitigating for damage to viewsheds. However, this landscape plan contains no details about plants to be utilized and has a vastly optimistic estimate of water needed to maintain those plants. If water is provided for just a few years, many plants will begin to die after watering is ended. Particularly impacted will be trees that are also sited in the EIR as providing enhanced habitat for Swainson's hawk. The Antelope Valley contains many examples of trees once established as wind breaks that have died and in many cases been cut down for firewood with only the stumps remaining once farmers stopped irrigating adjacent fields. The public needs **details about the landscape plan that include a plant list; provisions for irrigation for the length of the project; and a plan for continued onsite maintenance of the landscaping by caretakers who are trained to take out invasive species (Russian thistle and mustard) while allowing native annuals to grow.**

Questions Remain

Other unanswered concerns include:

- **Will the acquisition of Habitat Management Lands be based on the total acreage of developed or "impacted" land of 943.08 acres?**
- **Will all mitigation be offsite?**
- **Will all mitigation land be in the Western Antelope Valley and secured prior to construction?**
- **Will the public have access to the compliance logs mentioned in the MMRP in a timely manner?**
- **Will the public have the ability to review the Fugitive Dust Control Plan** required by the MMRP prior to implementation?
- **Will the public have the ability to review the Landscape Plan** required by the MMRP prior to implementation?

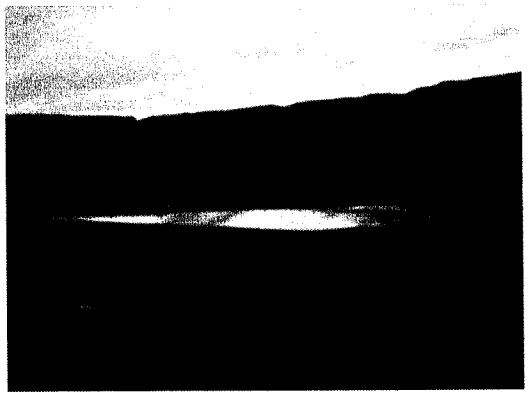
FEIR Contains Ludicrous and Unsupported Assertions

Particularly egregious is the statement that "from a distance, proposed SGFs would not appear dissimilar to agricultural fields." This statement and other statements concerning scenic value of the area are clearly a matter of opinion and have no place in what is supposed to be a fact based, scientific document. **They should be removed.**

In fact actual scientific surveys at solar installations refute the assertion concerning the similarity of solar arrays to agricultural lands and do so in a manner that demonstrates an alarming threat to migratory birds—a particular concern in the Antelope Valley Globally Important Bird Area. In the article "Water Birds Turning Up Dead at Solar Projects in the Desert" published by KCET Rewire, author Chris Clarke writes:

> "it seems very likely that reflections from solar facilities' infrastructure, including photovoltaic panels and mirrors, may well be attracting birds in flight across the open desert, who mistake the board reflective surfaces for water. With millions of years of evolutionary experience telling birds that broad expanses of glare and reflectivity on the ground mean "water," it's not hard to figure out why water birds might veer miles out of their way to head for solar facilities."

The article goes on to describe how birds who do mistake the solar panels for water die both from contact with the panels and from falling to the ground in between, as once on the ground in the midst of the panels, they are not able to extricate themselves and die from starvation, injury or predation. Photo to the right shows what photovoltaic panels really look like to humans "from a distance." It also illustrates the "lake effect" that impacts birds. So it turns out that both birds and humans view expanses of solar panels very differently from fallow agricultural fields or open desert. (Full article sited included with this document)



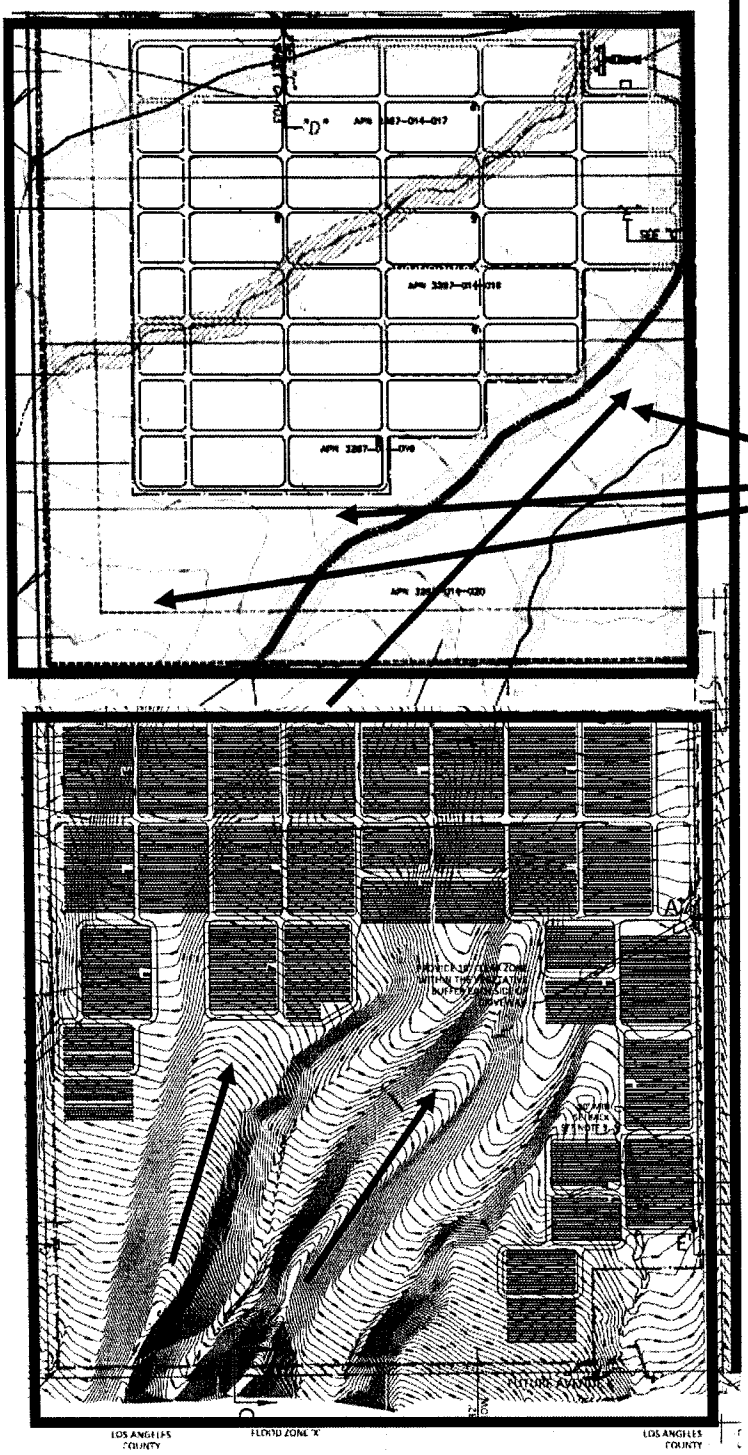
Lake Effect: Photovoltaic Panels in the Desert
Nevada Desert (Eldorado Project)

FEIR Estimation of Cumulative Impacts Incomplete

Missing from project maps are the other solar installations planned or built near Silverado's 6 proposed LA County Projects. Since many of these projects are also to be built by Silverado (on land annexed by the City of Lancaster although not contiguous with other city lands) this would be an easy matter to include them on project maps. **However, these projects and others are missing, giving a vastly skewed view of cumulative impacts. All maps for this project should include clear representations of existing and approved projects.**

Particularly problematic is information missing from Project 2 maps. This project will be built west and directly across 110th Street from City of Lancaster annexed property planned for solar panels. North of this parcel is the LA County approved West Antelope Solar Project B.

West Antelope Solar was approved with 84.5 acres of onsite mitigation. **This planned mitigation land will be bordered on east 110th Street, on the north by West Antelope solar panels and, if approved, on the south by Silverado's Project B solar panels. (Please see next page for map.)**



West Antelope B

Silverado Project 2

Ephemeral Wash

West Antelope Solar
84.5 acres Onsite
Mitigation Land

110th Street

"Poppy" Trail

West Antelope
Solar Arrays

Silverado Project
2 Solar Arrays

North

Solar

Water Birds Turning Up Dead at Solar Projects in the Desert (http://www.kcet.org/news/rewire/solar/water-birds-turning-up-dead-at-solar-projects-in-desert.html)

by Chris Clarke
on July 17, 2013 4:30 PM

A bufflehead, a duck generally found in open water, discovered between two rows of mirrors 25 miles from the nearest open water at the Genesis solar project | Photo: Genesis Solar

[**This story has been updated.**] Big desert solar installations have a problem: They seem to be imperiling water birds. A ReWire investigation has revealed that since mid-March, two large industrial solar power plants in California's remote, arid desert may have killed or injured more than 20 birds commonly associated with lakes or wetlands rather than the open desert surrounding the projects.

Story Continues Below

The two facilities in Riverside County are the 550-megawatt Desert Sunlight Solar Farm being built near Eagle Mountain by First Solar for owners NextEra Energy Resources, GE Energy Financial Services, and Sumitomo Corporation of America, and the 250-megawatt Genesis Solar Energy Project being built by NextEra about 25 miles west of Blythe. According to compliance documents builders of the two projects have filed with the California Energy Commission (CEC), as well as personal communication with solar developer press representatives, water birds accounted for about half of at least 37 reported incidents of bird injury or mortality at the two projects.

The water birds killed and injured range in species from **yellow-headed blackbirds,** which tend to congregate in the vegetation that surrounds ponds and streams, to the once-critically endangered brown pelican whose lifestyle involves fishing by diving into open water.

[**UPDATE**: after we went to press, ReWire learned that the toll also includes two individuals of the dramatic wading bird species great blue heron. Details **here**.]

Other water birds found dead or injured by biologists at the two projects include eared, western, and pied-billed grebes, the duck species surf scoter, red breasted merganser and bufflehead, the dramatic-looking black-crowned night heron, double-crested cormorants, American coots, and the federally Endangered Yuma clapper rail (**as we reported last week**).

Other birds reported dead or injured at the two facilities in that time period include warblers, goldfinches, a common raven, and a barn owl.

In addition, representatives from First Solar and NextEra have told ReWire of a few incidents not yet included in compliance reports, including deaths of three juvenile brown pelicans and a black-crowned night heron at Desert Sunlight, and another brown pelican found July 10 at the Genesis project.

Most of the mortalities were discovered by project biologists or other staff, and consisted of finding carcasses in varying stages of decay. At least one bird, the red-breasted merganser found in April at Desert Sunlight, was alive when discovered but died shortly after. In addition to the birds listed as injured or killed, the compliance records note a number of birds finding their way into fenced and netted areas or discovered in some distress on the sites, but released apparently no worse for wear.

Construction projects of any nature pose threats to birds, both during construction and after. That's evidenced by the fact that residential and commercial buildings, communications towers, and other human artifacts take

an astounding toll of bird injuries and mortalities. **According to the American Bird Conservancy**, as many as a billion birds die each year due to collisions with glass windows, another 200 million or so from collisions with power lines and communications towers, and about 380 million from collisions with vehicles or other roadway hazards.

So facilities like Desert Sunlight and Genesis that incorporate power lines, thought to account for at least some of the small bird deaths recorded, and roadways that bring construction traffic into areas where there hadn't been much traffic before, are likely to see consequent bird mortality.

And both companies have assured ReWire that the incidents distress them, and that they're working with appropriate agencies to minimize the deaths. A statement sent along by Desert Sunlight spokesperson Ashley Hudgens confirming the deaths of the juvenile pelicans and night heron, for instance, stresses the company's efforts:

> *In recent weeks biologists at Desert Sunlight Solar Farm found three juvenile Brown Pelicans and a Black-crowned Night-heron. Biologists alerted the Bureau of Land Management, the California Department of Fish and Wildlife, and the U.S. Fish and Wildlife Service. Desert Sunlight is cooperating with the agencies and will work with them on next steps.*
>
> *Unfortunately it is common for birds, especially juveniles, to become exhausted or die if they stray outside of their migratory path. Biologists are examining regional flyways and migratory patterns for more information.*
>
> *Project biologists also recover injured or exhausted birds so they can be safely released or transported to rehabilitation centers.*
>
> *Desert Sunlight takes the health of native and protected wildlife and plant species very seriously. Biologists are on site daily to ensure that wildlife and plants are protected during the construction process.*

NextEra's Steve Stengel expressed similar concerns in an email.

No one wants to kill birds unnecessarily, and the companies' efforts to mitigate and reduce the toll are laudable. But what explains the astonishing percentage of water birds injured at these hyper-arid sites?

Scientists haven't weighed in on what might account for a disproportionate number of bird kills at solar facilities: the topic is very new. But as ReWire mentioned in covering the Yuma clapper rail mortality on July 10, it seems very likely that reflections from solar facilities' infrastructure, including photovoltaic panels and mirrors, may well be attracting birds in flight across the open desert, who mistake the broad reflective surfaces for water.

Here's a 2008 photo of the Nevada Solar One project to illustrate what we mean:

Nevada Solar One glare . Photo: **e pants**/Flickr/**Creative Commons License**

With millions of years of evolutionary experience telling birds that broad expanses of glare and reflectivity on the ground mean "water," it's not hard to figure out why water birds might veer miles out of their way to head for solar facilities. Both photovoltaic solar panels, as used at Desert Sunlight, and mirrors like Genesis uses pose that reflective glare attractant.

It may be that photovoltaic arrays resemble lakes more closely than do mirrors, at least to the eyes of birds. Light reflecting off non-metallic surfaces tends to become polarized. Both water and the semiconducting surfaces of photovoltaic panels are non-metallic, which means the glare from one might well resemble the glare from the other if birds are sensitive to light polarization, which **many are.**

The California desert is part of the **Pacific Flyway,** one of four major bird migration corridors in North America. Historically, lakes in arid and semi-arid parts of the west were important rest and refueling stops for long-distance migrants. In the last two centuries human activity has altered, displaced, or dried up many of the lakes and wetlands migrating birds once depended on as they traveled the Pacific Flyway, and remaining rest stops such as the Salton Sea, the Great Salt Lake, or even smaller sites like the artificial Lake Tamarisk in the western Chuckwalla Valley of Riverside County are crucial, widely separated oases in the desert section of the Flyway.

Add reflective areas that resemble water to the mix, and you have a recipe for avian deaths by the hundreds as unsuspecting, tired migrating birds try to come in for a water landing on fields of solar panels and mirrors.

And with thousands of acres of those solar panels and mirrors due to be added to the migration corridor between the Colorado River and the Coachella Valley as Palen, Blythe, and McCoy solar projects come

online, the issue of water bird deaths promises to become far more pressing than it already is.

ReWire will be tracking this issue as it develops.

Appended below is a list of bird deaths and injuries at Desert Sunlight and Genesis of which ReWire is aware. Water birds are indicated by an asterisk (*). Other solar projects aren't included only because we haven't looked at them yet. Some birds injured since May and June will not have been formally reported. Some injuries and fatalities will not have been recorded by project biologists, as injured birds may leave the scene undetected to expire elsewhere from their wounds.

- Genesis, March 13, lesser goldfinch
- Genesis, March 19, lesser goldfinch
- Genesis, March 28, bufflehead* found between mirrors
- Desert Sunlight, April 3 eared grebe*
- Desert Sunlight, April 15 surf scoter*
- Genesis, April 17, black-throated grey warbler
- Genesis, April 17, house wren
- Genesis, April 17, orange-crowned warbler
- Desert Sunlight, April 18 great-tailed grackle
- Desert Sunlight, Week of April 21 red breasted merganser* found live on site, died in transport prior to release.
- Genesis, April 25, barn owl injured, taken to rehab
- Genesis, May 1, pied-billed grebe* (in evap pond netting)
- Genesis, May 1, eared grebe* injured, to rehab
- Desert Sunlight, May 6 double crested cormorant*
- Desert Sunlight, May 8 Yuma clapper rail*
- Genesis, May 8, Wilson's warbler (poss. line strike)
- Genesis, May 14, yellow-headed blackbird* injured, taken to rehab
- Genesis, May 15, hermit thrush (bulldozer)
- Genesis, May 16, Wilson's warbler
- Genesis, May 16, Townsends warbler
- Genesis, May 16, unidentified bird
- Genesis, May 22, western grebe* injured, taken to rehab
- Genesis, May 22, yellow warbler
- Genesis, May 23, warbler, species unknown
- Genesis, May 24, unidentified sparrow
- Genesis, May 30, American coot*
- Desert Sunlight, June 4 common loon*

- Desert Sunlight, June 5 eared grebe*
- Desert Sunlight, June 5 western grebe*
- Desert Sunlight, June 5 western grebe* live, released after consultation.
- Desert Sunlight, June 6 American coot*
- Desert Sunlight, June 6 double crested cormorant*
- Desert Sunlight, June 9 Common raven
- Genesis, June 10, brown pelican* injured, sent to rehab
- Desert Sunlight, June 19 hummingbird (species not mentioned)
- Genesis, July 10, brown pelican*
- Desert Sunlight, July 10 brown pelican*
- Desert Sunlight, July 11 brown pelican*
- Desert Sunlight, July 13 brown pelican*
- Desert Sunlight, July 15 black-crowned night heron*

Leona Valley Town Council

P.O. Box 795 • Leona Valley • CA 93551

Anthony Curzi
County of Los Angeles
Department of Regional Planning
320 West Temple Street
Los Angeles, California

Re: Project Nos. R2011-00833-(5), R2011-00798-(5), 2011-00799-(5) / Silverado Power West

Dear Mr. Curzi:

The Leona Valley Town Council wishes to express concern over the solar energy project that is proposed on five non-contiguous sites in the West Antelope Valley. The solar developments, including this proposal, are now hop-scotching across the West Antelope Valley (rather than clustering) in such a manner that will result in a lack of safe avian migratory areas, even with suitable nesting habitat, thereby creating eco-traps in which birds are encouraged to breed and flourish but will most assuredly reach death as a result of the renewable energy contiguous location. This will have a ripple affect across the animal food chain as well as cause blight to an already economically disadvantaged Antelope Valley.

The proposal will adversely impact several protected species. Furthermore, it does not provide long-term economic benefit to the Antelope Valley while depleting our visual, environmental and other resources. Additionally, the County of Los Angeles has failed to fully resolve the issue of dust storms at other solar projects in the Antelope Valley, which have resulted in roadway blindness and have increased the risk of Valley Fever to those who reside in the area. We have repeatedly advised the County of this adverse impact and it has not been adequately addressed, corrected and mitigated. If not mitigated, it is the responsibility of the County of Los Angeles Health Department and the taxpayers to undertake the expensive care of individuals who will become ill as a result of the adverse impacts, via Valley Fever, of these cumulative projects.

The County of Los Angeles has also failed to address the cumulative impacts of all of the wind and solar projects in the West Antelope Valley that are a result of a single government mandate. Because these projects are being reviewed separately, piecemealing has resulted, which is a violation of the California Environmental Quality Act. While we appreciate that you found our input offering "good points", as of our last comment letter, we are again advising you that the County of Los Angeles is now in violation of CEQA and NEPA relative to the cumulative impacts. The lack of completion of the County's Renewable Energy Plan does not negate the existing responsibility to comply with CEQA and NEPA for current renewable energy projects.

RE: Silverado Power West

We do not believe there has been sufficient protection put in place relative to air quality. Nearly all of the areas included in the West Mojave Plan (which includes the Antelope Valley) have recorded concentrations of pollutants in excess of national and state ambient air quality standards for PM10 and a variety of others. In addition, the presence of numerous new dirt roads invites vehicle trespass that would compound the problem of particulates in the air. Construction and maintenance activities will cause serious air quality issues for wildlife and human inhabitants of the desert. Vast amounts of water will be required to subdue dust. Water, as a dust mitigation measure, could have a reverse impact and subsequent consequences as it helps in the propagation of the arthroconidia (spores) of Coccidioides immitis This proposal should include a mechanism to prevent off-road use; and trip/travel reductions during and after projects have been constructed.

The Leona Valley Town Council has completed an analysis of the proposed County Renewable Energy Plan. Much of our concerns regarding this project proposal are contained in this document. We have attached for your edification.

While we do not support the proposed project, we do support mitigation on an acre for acre basis, particularly since there are protected species in this location. Therefore, if this project is approved we recommend that fully endowed (in advance of project) mitigation credits be obtained from the geographically closest mitigation bank, Petersen Ranch, which is between 100th and 110th Street West, south of West Avenue K and extends to south of Elizabeth Lake Road. Petersen Ranch supports species such as the tricolored blackbird, Swainson's Hawk and burrowing owl habitats that will be adversely impacted by the proposed project. The tricolored blackbird is pending designation by the State of California as "endangered". The proposed renewable energy sites are foraging areas for this species. Information on Petersen Ranch Mitigation Bank can be found here: http://landveritasmitigationbanks.com/petersen-ranch/

Respectfully,

Alice M. Wollenman

Leona Valley Town Council

Cc: Norm Hickling, Deputy to Supervisor Michael D. Antonovich

June 3, 2014

Leona Valley Town Council
P·O· Box 795 • Leona Valley • CA 93551

Thuy Hua
LA County Department of Regional Planning
320 W Temple St 13th Floor
Los Angeles CA 90012

Re: Renewable Energy Ordinance – May 2014 Draft

Dear Ms. Hua:

Thank you for giving us the opportunity to submit comments on the proposed Renewable Energy Ordinance as part of the scoping process. The Ordinance will dramatically impact uses, health and development in the North County area. Because of the dynamic proposed changes, it is important to provide input in order to retain our rural communities while prudently addressing how such projects shall be integrated into the existing land use framework. We held the submission of our comments until after your presentation to our community, input from residents and completion of your most recent draft. The Leona Valley Town Council reserves the right for additional review and commentary should further changes to the draft Renewable Energy Ordinance occur.

Our concerns are addressed on the pages that follow.

Respectfully,

Alice M. Wollman

Alice Wollman
Vice President
Leona Valley Town Council

Cc: Supervisor Michael D. Antonovich
Norm Hickling, Deputy to Supervisor Antonovich

The following is for your consideration

Section 22.08.040 D

Under definition for "decommissioning": "Decommissioning" means the removal of a use from service, which includes safe storage, dismantling, disposal, recycling, removal of concrete pads, and/or site restoration. We object to the use of the word **"or"** for site restoration. With respect to site restoration, how will a site be "restored"? Does this include the replanting of native plant species? How long or how many attempts shall be made to perform "site restoration"? What if the project becomes bankrupt? Will there be some sort of an escrow account? Or stipend set aside for future decommissioning?

22.52.1610 Applicability:

A. Other technologies should include solar and wind energy too.

D. (2) Replacement for maintenance purposes should specify that replacement of equipment should be of the same or lesser size/height. The size/height and footprint may not be increased.

Section 1. Section 22.08.040:

"Decommissioning": Please describe how and what is to be restored on the site once the project is decommissioned? Does this mean the 500-1,000+ year old Joshua trees that were removed or destroyed are to be replanted? What level of restoration is going to occur? We request a performance bond requirement for all renewable energy projects.

Section 3. Section 22.08.190:

With respect to a "small scale" solar energy system: How will the County determine what the necessary demand is for a single-family dwelling? How is the 150% calculated? What is the formula that determines how much energy is required to support a dwelling? Does this include secondary structures? An entire site? All of the ancillary improvements? If demand is to be used "off-site" does this mean a private residential property can develop enough energy to sell privately to adjacent properties? The sentence "Any energy generated by a wind energy system that exceeds the on-site energy demand may be used offsite" is vague. Specificity is required for this ordinance and this should not be left open to interpretation. Does this mean we can all start our own mini energy businesses on our private residential sites?

Section 4. Section 22.08.210

Utility-scale renewable energy facility, structure mounted: If each utility scale energy facility is comprised of pedestals on which the energy device is placed, does this constitute structure mounted? The definition of "structure" needs to be expanded to what it is likely intended to be: office building, apartment complex, school or other public facility.

22.52.1620 Permit Requirements

With respect to Utility-Scale Renewable Energy Facilities, Structure Mounted: All systems are a combination of structure and ground mounts.

Small-Scale Renewable Energy System: The permit process requires a minor conditional use permit for a small scale wind energy system. Will this type of CUP address protected views-capes and ridgelines? Or, will anyone and everyone be able to place these towers on a ridge or within an adjacent property's prime view? Is it permissible to place a small scale solar array on top of a ridgeline, blighting a protected ridge? What is the criteria for the site plan review? Is it merely to ascertain setback requirements?

Utility Scale Renewable Energy Facility: Because "structure mounted" has not been adequately explained, it appears that a minor site plan review is all that is required, even if some low structure is built by a developer to circumvent the conditional use permit process in A1, A2, Commercial and Manufacturing zones. While the intent of the County may be for placement on existing buildings, does this also mean if an energy Developer installs rudimentary carports that will never be used, that the CUP process is then circumvented?

Based upon a review of the chart, large scale utility projects with ground mounting systems will be supported only by those sufficiently large sites in heavy agricultural zones (A-2), commercial or industrial zones. Where in the County of Los Angeles are there sites that are sufficiently large to accommodate a large scale project? Did the County of Los Angeles determine where such sites are located? There are sites that are sufficient in size in the Santa Monica Mountains; however, most are exempt because of the coastal zone limitation as well as a scenic drive restriction. While we support these limitations, it truly is for the benefit of the coastal areas while further directing any and nearly all potential renewable energy projects to the Antelope Valley. We further assert that the majority of those lots sufficient in size to support a large scale renewable energy project (outside scenic or coastal areas) are in the Antelope Valley. This appears to be a fact rather than a statement as the County of Los Angeles Planning Department has emphasized outreach for the Renewable Energy portion of the County Plan to the Antelope Valley. While we understand that the County is under an obligation to produce a certain amount of renewable energy, it appears District 5 of Los Angeles County is shouldering, by percentage, nearly the entire burden.

The Antelope Valley has a very high unemployment rate and family incomes are already below the state average. The Antelope Valley, as a whole, is an economically disadvantaged area and renewable energy projects do not produce permanent, high paying jobs. Furthermore, the increased amount of dust produced by these projects increases the risk of Valley fever in an already economically disadvantaged area. "A review by the CDC (Goodman, 1994) of the

medical records in Kern County, California showed that coccidioidomycosis accounted for approximately $66 million in direct costs of hospitalization and outpatient care during the period 1991-1993." (USGS report) The large scale utility projects will not provide energy to the Antelope Valley, but will service more affluent areas in the Bay area, Los Angeles and beyond. With respect to CEQA and NEPA, the Antelope Valley will receive disparate impacts in the form of socioeconomic discrimination on low income communities. These communities already bear the brunt of disproportionately high environmental burdens, and will continue to do so based on how the County Renewable Energy Plan inadvertently or purposely directs by statute the large scale utility projects to the Antelope Valley. This Plan makes it easier to build harmful projects in low-income areas. There is a pervasive pattern of siting the most dangerous, environmentally degrading facilities in communities with predominantly low-income residents and minorities. This trend is driven in large part by zoning requirements, low property costs, and the fact that many low-income communities lack the political clout and/or education to effectively oppose these projects.

22.52.1630, Standards for Small Scale Solar Energy Systems

Item "B" states that the height shall not exceed the zone by more than 5 feet. Please address where and how this measurement is applied, even if contained elsewhere in the County code.

22.52.1640. Standards for Temporary Meteorological Towers

Access Roads: Please provide a standard for temporary access roads with ingress/egress points. Does this mean that these roads will require temporary grading? A grading permit? Please address the issue of runoff, land/mudslide and dust. Will such facilities be permitted in a landslide or liquefaction zone?

Setback Requirements: there is a failure to consider the bounce and/or roll of the tower apparatus, which will exceed the 1.25 system height;

Maintenance: Please identify a minimum schedule for maintenance. What is "regularly scheduled"? Is that weekly, monthly, yearly?

22.52.1650 Standards for Small-Scale Wind Energy Systems

During the Plan presentation before the Leona Valley Town Council meeting we discussed the noise of a small scale system. According to our own environmental expert, 60 dBA SEL is the equivalent noise level of a heavy traffic street. This figure has not been reduced, although discussion and facts were presented to the County at our Town Council meeting. If there are multiple towers contained in one small community, the noise will be overwhelming, particularly in a town with hillsides bordering a valley on multiple sides (like Leona Valley) which will exacerbate the high noise levels.

22.52.1660. Standards for Ground Mounted Utility-Scale Renewable Energy Facilities

Access Roads: Please provide a standard for temporary access roads with ingress/egress points. Does this mean that these roads will require temporary grading? A grading permit? Please address the issue of runoff, land/mud slide and dust. Will such facilities be permitted in a landslide or liquefaction zone?

Fencing: Non-opaque fencing is permitted; as is fencing of eight feet in height "regardless of any other fencing standards." Many Community Standards Districts have fencing guidelines in order to create an open, non-view obscuring environment. This standard now trumps what is considered a community value.

Fencing of solar facilities, building roads and transmission lines will transect enormous portions of habitat, and impede movement of wildlife who travel through "wildlife corridors" that, according to the Western Governors Association, have never been adequately mapped. There is concern that this transection will further isolate interconnected habitats, and create "islands" of parkland and protected areas that will reduce biodiversity.

Drought tolerant native or non-native vegetation: How is it determined to be infeasible? Is insufficient water supply a cause for not requiring vegetation? By the way, if water is insufficient, then the project should not be placed in the location. Please explain how or why plantings would be infeasible.

Light sensor or motion sensor lighting for the main facility: Should comply with the Dark Sky standard of unincorporated Los Angeles County.

Setbacks: 30 feet in agricultural zones is insufficient to allow for bounce and roll.

Signs: Please state minimum and maximum size of the signs.

Site disturbance: It is stated that existing vegetation may be removed (except for root systems), but sensitive or unique plant species are not addressed. Existing policy resulted in the clear cutting of a Joshua tree grove off of West Avenue "M" as this industrially zoned site had no environmental restrictions as a result of the County policy. If this were a grove of oak trees, there would be permits pulled and mitigation for the removal of each oak tree, yet in the world, Joshua trees are rarer and a unique species only found in the Mojave Desert. It is impossible to replace a grove of Joshua trees by the nature of the species, which grows only one to three inches per year. A fifty foot tall tree is minimally 200 years old, yet the County has failed to implement

a strategy to protect Joshua woodlands and the lack of policy to protect these indigenous species will further degrade an already at risk environment.

An additional issue with site disturbance is that clearing of desert vegetation can invite invasive species that can escape developed areas and spread and further disturb sensitive desert species. A mitigation requirement should be in place to prevent invasive plant species from spreading off site.

Fugitive Dust Emission: The Plan addressed fugitive dust during construction, but not after construction is completed. Dust storms emitting from renewable projects in the West Antelope Valley off of Highway (138) have resulted in blindness to drivers and put the general public at risk due to the increased risk of transmission of Valley Fever, asthma and other ailments.

C. immitis grows in the upper (5 - 20 cm) horizons of soils in endemic areas" Although some growth sites have been identified, their distribution and recognition throughout the entire endemic area of the southwestern U.S. is poorly known.

Water Quality Protection: Shall the projects be permitted to use herbicides? How will weeds be cleared? What efforts will be made to protect the ground water as the result of use of potential herbicides?

Impacts to Birds and Bats: The County of Los Angeles is relying exclusively on the State guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development; however, the "guidelines" have not satisfied issues at other facilities, including one facility (Kern County/DWP) that has the highest song bird kill rate in the United States. Furthermore, the County has failed to address any plan to protect migratory birds from solar facilities.

In February 2014, the Wall Street Journal published an article regarding solar arrays catching migratory birds on fire. There are two large issues that will be difficult, if not impossible to mitigate and the County should address in advance of any policy from the State of California. The large collection of mirrored solar arrays has resulted in bird wings getting singed or catching fire. "U.S. Fish and Wildlife Service told state regulators that they were concerned that heat produced by the project could kill golden eagles and other protected species. The agency also is investigating the deaths of birds, possibly from colliding with structures, found at two other, unrelated solar farms. One of those projects relies on solar panels and the other one uses mirrored troughs. Biologists think some birds may have mistaken the vast shimmering solar arrays at all three installations for a lake and become trapped on the ground after landing." The article refers to solar farms located here, in the Mojave Desert. The Antelope Valley is classified as an internationally recognized Important Bird Area. The solar developments are now hop-

scotching across the West Antelope Valley (rather than clustering) in such a manner that there will be no safe migratory areas, even with suitable nesting habitat, thereby creating eco-traps in which birds are encouraged to breed and flourish but will most assuredly reach death as a result of the renewable energy contiguous location. This will have a ripple affect across the animal food chain.

Set Back for Facilities Using Wind Resources: the chart recommends two times the facility height. On multiple occasions, wind turbines have fallen off of high towers, and have had accelerated rolls and over-turns onto Highway 58, where the largest wind energy plants are located. Two times the height does not address bounce or a potential defect in the wind turbines and can result in danger, if not death, to members of the general public.

NOT ADDRESSED IN DRAFT

Environmental Mitigation

We have observed that mitigation is required on large scale solar projects. In fact, a most recent approval required a mitigation of 2 acres for every 1 acre destroyed. However, the County failed to address how and in what time frame this is to be mitigated. The mitigation was required over a period of 40 years, but it did not state the mitigation should be done in advance of the permit. The solar company took this to mean that they could mitigate a couple acres each year until the end of forty years. There is specific LEGAL language that is required for mitigation in the environmental permitting process. The County Planning Department does not appear to have obtained legal input from an expert in environmental law. This language should be prepared in advance of the approval of the Renewable Energy plan. Language such as "fully endowed", "in advance" are all pertinent features. Often, there is a risk of bankruptcy on these projects, therefore, performance bonds and an endowment must be required. Additionally, with mitigation on a per acre basis, the mitigation should take place in the area in which the environmental degradation has occurred.

Because the majority of renewable energy projects will require mitigation, it is important to incorporate a mitigation banking standard as part of the proposed Renewable Energy Ordinance. It is recommended that all renewable energy projects that require habitat or waters of the Federal or State and/or CEQA mitigation should utilize mitigation banks in Los Angeles County that have conservation easements and endowments in place to fund long-term habitat management in perpetuity.

The County should be mindful that allowing utility-scale solar facilities on thousands of acres of land primarily in one area (Antelope Valley) is akin to scraping clean and fencing thousands of acres of desert habitats that can never be restored, much like primeval forest once cut can never be "primeval" again.

Significant Ecological Areas

The document does not address the development of renewable facilities in Significant Ecological Areas. While it unlikely to prohibit such development, there should be an additional layer of protection for those significant areas through a conditional use permit process, including an environmental study, regardless of the zoning. Utility scale Renewable Energy production *is* an industrial use.

Conversion of Prime Farmland

The proposed plan encourages the conversion of prime farmland into renewable energy development. What is important is we don't allow this 21st century 'Gold Rush' to get out of hand and jeopardize our food security, our watersheds, habitat areas and health to future generations. We don't have to put large-scale solar on prime farmland just because it is close to a substation. Presently, many farmers in the West Antelope Valley have allowed their land to go fallow in order to join the 21st Century gold rush for renewable energy. This is resulting in the conversion of a rural lifestyle into a temporary financial gain for a handful. Once other, more reliable, energy producers are created at a lower cost, the large footprint of renewable energy will place a permanent scar on the Antelope Valley, regardless of decommissioning rules. The rich rural history of the Antelope Valley will become just that, history.

Fire

The County proposal fails to address issues pertaining to renewable energy development in areas classified for High Fire (Class IV) Severity Area or a High Wind Severity Area. For example, should an area with High Fire and Wind Severity be developed with 500 foot tall wind energy towers, the surrounding communities will be put at risk as emergency aircraft will not be able to access the area and exit routes for communities will be hampered if not blocked, putting the public at extreme risk.

Ground Water Depletion

Desert wildlife is dependent on surface water, springs, seeps, creeks, wetlands, and seasonal streams. Little, if any, rainfall percolates downward to reach the water table. Pumping on utility scale or by cumulative numbers of smaller operations will cause groundwater depletion and loss of surface water that would be devastating to fish, plants, riparian communities, birds, reptiles, mammals, and microscopic organisms living in the desert soil, causing collapse to ecosystems that depend on these resources. Please address preventative measures with respect to this issue.

Structure Testing

Wind energy tower structures should be engineered and tested to withstand the strongest of historical wind events.

Placement Restriction

Restrict placement of solar facilities to areas directly adjacent to sources of water that are transported from outside the area via aqueduct or pipeline, so no groundwater pumping need occur, or require water to be hauled via truck tanker. (This can offset the benefit of renewable energy, when truck trips are factored in.)

Installation Types

In the rush to meet the high demand for renewable energy projects at a low cost, some Developers are obtaining solar panels from foreign manufacturers. Due to the demand for solar panels, manufacturers in China are reportedly cutting corners, and as a result, are seeing high failure rates. It is feasible that with a high failure rate due to a lower quality work product, a Developer could walk away from a project, particularly if government subsidies are eliminated. Furthermore, some foreign manufacturers are using lead components that leach into the soil. Therefore, it is most important to obtain a bond or some other means of guaranteeing decommissioning a project; second, it is also important to complete soil studies for those Developers using foreign components, both for testing for lead deposits that could leach into the ground water; and to ascertain if on site pesticides have leached into the soil.

Air Quality

Studies indicate that the desert is valuable as a carbon sink. Will the large-scale removal of vegetation required for solar plants seriously reduce this value? Evaluation of the cost/benefit of this loss should be weighed against the value of the so called renewable energy produced. Assure that loss of a project's carbon dioxide sink's capability will be completely offset and produce a clear net carbon dioxide reduction benefit. Monitor, and review in an ongoing way, a solar plant's carbon footprint.

Nearly all of the areas included in the West Mojave Plan (which includes the Antelope Valley) have recorded concentrations of pollutants in excess of national and state ambient air quality standards for PM10 and a variety of others. In addition, the presence of numerous new dirt roads invites vehicle trespass that would compound the problem of particulates in the air. Construction and maintenance activities will cause serious air quality issues for wildlife and human inhabitants of the desert. Vast amounts of water will be required to subdue dust. Water, as a dust mitigation measure, could have a reverse impact and subsequent consequences as it helps in the propagation of the arthroconidia (spores) of Coccidioides immitis This plan should include a mechanism to prevent off-road use; and trip/travel reductions during and after projects have been constructed.

Consider all impacts of air pollution, including drift from other areas as total to that area, regardless of the source, when evaluating solar projects. Do not allow subtraction of transported ozone in determining attainment and non-attainment areas.

Refuse multisource projects that use a small portion of solar energy production to facilitate approval and then use natural gas or some other greenhouse gas producing fuel to make electricity. Solar plants should be one hundred percent solar-only, and should only be considered for facilitated permit processes.

Separately Analyzing Aspects of the Total Project is Piecemealing

The County of Los Angeles is creating this Renewable Energy Plan as part of the General Plan, which is presently being updated. At community meetings throughout the Antelope Valley we were also told that the "plan" was being created due to the need, the high demand and creation of renewable energy projects in the County of Los Angeles as part of the mandated and established Renewable Portfolio Standard (RPS) by the State of California.

During the September 29, 2011 LADWP Barren Ridge scoping meeting in Leona Valley, the community was informed of other potential projects by energy developers that are presently in the LADWP "queue", waiting in line in the event this project is approved. A similar circumstance had arisen with Southern California Edison's Tehachapi Renewable Energy Project. Wind and solar renewable energy projects were in Edison's "queue" and are now being executed with plans to connect to the new Edison 500kv transmission lines. The cumulative impacts were never assessed or addressed. Upon the Record of Decision, these projects began a permit process and were therefore, a foreseeable event in violation of the California Environmental Quality Act. Based upon immediate past events we believe those projects in the County "queue" as well as solicitations not yet in the system, should also be considered as part of the whole project, with plans to connect to the LADWP/Edison transmission lines. The projects in the "queue" as well as this proposed County Renewable Energy Plan are in fact part of the whole action.

The Los Angeles County Renewable Energy Plan proposal, the LADWP Barren Ridge Project and the Tehachapi Renewable Transmission Project are part of the same mandated and established Renewable Portfolio Standard (RPS) by the State of California. As such, all of these projects are part of the same cumulative impacts of the same action. When completing an environmental study of all of these issues, the County planning department must address the cumulative impacts to the Antelope Valley as the result of their "plan" which coincides and, in fact, helps implement all of these renewable energy projects in one specific area in the County of Los Angeles. These projects need to fall under review of a separate environmental impact report that should be undertaken specifically for the Antelope Valley.

CEQA defines "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment...." (CEQA Guidelines, § 15378, subd. (a); see also CEQA Guidelines, §15063, subd. (a)(1) {the lead agency must consider "all phases of project planning, implementation and operation.}). NEPA similarly requires that the DEIS succinctly describe the environment affected. (40 C.F.R. § 1502.15) An Agency cannot treat one project as a succession of smaller projects, none of which, by itself, causes significant impacts. (Burbank-Glendale-Pasadena Airport Authority v. Hensier (1991) 233 Cal. App. 3d 577, 592{"CEQA mandates environmental considerations do not become submerged by chopping a large project into little ones"}; see also NEPA mandate that connected projects be included in the DEIS, 40 C.F.R. § 1508.25, subd. (a); Blue Ocean Preservation Society v Walkins (D. H1.1991) 754 F. Supp. 1450.)

A project description must include all relevant parts of a project, including reasonably foreseeable future expansion or other activities that are part of the project. (Laurel Heights I, 47 Cal. 3d at 396.). The California Supreme Court in Laurel Heights I stated that "an EIR must include an analysis of the environmental effects of future expansion or other action if "(1) it is a reasonably foreseeable consequence of the entire project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (Id.). The lack of one concrete project description violates CEQA in that it precludes the public from intelligent participation in the analysis of the project (County of Inyo v. City of Los Angeles (1977) 71 Cal. App. 3d 185, 197). (See also NEPA requirements regarding connected actions, 40 C.F.R. §§ 1508.7, 1508.8, 1508.23, 1508.25, subd. (a)(2) and subd (c).) The proposed Renewable Energy Plan is, in fact, incorporating and part of several projects, including proposed renewable energy projects. The "Plan" is being created as a result of the TRTP and Barren Ridge projects. Thereby, this Renewable Energy Plan is part of a larger project, and as such, is a reasonably foreseeable consequence of the initial project, the mandated and established Renewable Portfolio Standard (RPS) by the State of California.

Further, piecemealing results in an inaccurate project description because essential pieces of the project(s) are not included. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (Burbank-Glendale-Pasadena Airport Authority, 233 Cal. App. 3d at 592.) "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input" (County of Inyo. 71 Cal. App. 3d 185 at 193; McQueen v Board of Directors (1988) 202 Cal. App. 3d 1136, 1143 overruled on another point in Western States Petroleum Associates v. Superior Court (1995) 9 13 Cal. 4th 559, 570, fn 2; Mira Monte Homeowner's Association v County of Ventura (1985) 165 Cal. App. 3d 357, 365.). Because the project description is limited by piecemealing, the public and decision makers are being deprived of the ability to understand impacts from the synergistic

effects, conflicts and cumulative impacts of all of the collective projects associated with the renewable energy plans that were created as a result of Barren Ridge and the Tehachapi Renewable Energy projects. This includes the proposed Renewable Energy Plan for the County of Los Angeles.

Kim Szalay

From: Mitch Glaser
Sent: Tuesday, June 10, 2014 1:53 PM
To: Kim Szalay
Subject: FW: RE tomorrow

From: Vizcarra, Edel [mailto:EVizcarra@lacbos.org]
Sent: Tuesday, June 10, 2014 1:47 PM
To: Sorin Alexanian; Mitch Glaser
Subject: FW: RE tomorrow

From: Hickling, Norm
Sent: Tuesday, June 10, 2014 1:47 PM
To: Vizcarra, Edel
Cc: Osuna, Susie
Subject: FW: RE tomorrow

Another opposition letter regarding Silverado. This is a ministry that serves the world with food and medical support. They bring folks to their site in west Lancaster to train them how to farm for the own villages subsistence.

You can read what their reaction and concern is. Please route to the planning commissioners

Thanks and all the best

Norm Hickling
Supervisor Antonovich Antelope Valley Field Office
1113 Ave M-4, Suite A
Palmdale, Ca 93551
661-726-3600

From: Teresa Skinner [mailto:tskinner@as.net]
Sent: Tuesday, June 10, 2014 1:36 PM
To: Hickling, Norm
Cc: 'John Bell'
Subject: RE tomorrow

Dear Norm,

After all of the research and the advice that we have received ...including a friend who was out of work for three months as a direct result of dust storms from the solar project around her property, we feel that it is safest for us to take the stand that if solar is coming into this area then we need to be relocated.

We are looking at the long term impact... not just during construction. For Silverado it's just construction and they are out of here but we are the ones who have to carry the burden long term.

We chose this serene desert property with its quietness and beauty because it gave us the ability to do what we do. We thank you Norm for assisting us to move here and to get the Conditional Use Permit so that we could continue our work with those who need this type of environment for their mental, physical and spiritual wellbeing.

We do not have the resources, the extra finances, man hours, etc. to protect ourselves and the community that comes daily to our ministry from the elements that the solar project will create.

I wanted to let you know where we stood before we go and talk to the commissioners tomorrow.

We will do the best we can... Like you said it will be up to them.

Again thank you!

Respectfully Yours,

Teresa Skinner
Executive Director
All Nations International
www.allnationsIs58.org

Kim Szalay

From: S Z [ontishima1775@gmail.com]
Sent: Tuesday, June 10, 2014 1:58 PM
To: Hickling, Norm; DRP Special Projects
Subject: Comments, Silverado FEIR
Attachments: CCWAV Silverado FEIR Letter.pdf

Please find attached comments from our group, Concerned Citizens of the Western Antelope Valley. It would be greatly appreciated if you would forward these comments to the Planning Commission, Supervisor Antonovich and Mr. Vizcarra at the Supervisor's Office. Also, please let me know you have received and forwarded. Thanks so much.

Best Regards,
Susan Zahnter

Concerned Citizens of West Antelope Valley
Susan Zahnter & Dick Hague, Members
P.O. Box 786
Lake Hughes, CA 93532

10 June 2014

SENT VIA EMAIL

Mr. Kim Szalay, Planner, Special Projects
320 West Temple Street 13th Floor
Los Angeles, CA 90012
specialprojects@planning.lacounty.gov

Dear Mr. Szalay,

RE: Silverado West, Projects 1-6

Ultimately, the Draft Environmental Impact Review (DEIR) and the Final Environmental Impact Review (FEIR) for these six projects consist of promises. Promises that all the significant impacts will be reduced to "less than significant." These are words that have meaning in the planning and CEQA process, words on pages that will have great impacts to people, i.e., rural communities and property owners adjacent to the projects; and special-status or protected species of wildlife and wildlflower/ native grasslands supporting those species of the western Antelope Valley. In this FEIR we do not see anything different. We have been repeatedly disappointed by promises of all other project proponents to provide adequate landscape screening, adequate mitigation of scenic impacts; dust control; and manage subsequent ill-effects to property owners unfortunate enough to live on property near projects, and we have yet to see a project follow guidelines of the California Department of Fish and Wildlife(CDFW) for adequate mitigation to Swainson's hawks, burrowing owls, migratory bird foraging and nesting habitats.

One must assume the Los Angeles County Department of Regional Planning has a responsibility to assure the EIR and the FEIR are accurate representations of fact and that impact assessments and mitigations are suited to those impacts. There is no assurance or evidence, thus far, that the implementation of mitigations suggested in the review documents will result in actually achieving objectives or performance standards. Raptor expert, K. Shawn Smallwood, remarking on the West Antelope Solar Project, states:

> It has long been known that mitigation pursuant to CEQA has often either failed or has not been implemented, but with no consequences to the take-permit holder (Silva 1990). There should be consequences for not achieving mitigation objectives or performance standards. The project proponents should be required to provide a performance bond in an amount that is sufficient for an **independent party** to achieve the mitigation objectives originally promised, and in this case, the promises should be much more substantial. A fund is needed to support named individuals or an organization to track the implementation of mitigation measures. Report deadlines should be listed, and who will be the recipients of the reports. In my professional opinion, the Neg Dec's lack of specific monitoring details renders it inadequate and uncertain and makes it impossible to gauge whether to what extent any mitigation measures will lessen potentially significant impacts on species. If these measures

> are not clearly laid out in the Neg Dec, then there will be no basis to determine that impacts will be less than significant once implemented. Furthermore, without adequate funding allocated in advance, there is no certainty that any proposed mitigation will actually take place.

Even though Dr. Smallwood's comment is in response to a Negative Declaration, it speaks to the necessity of such monitoring and satisfaction of implemented mitigation, and also subsequent effects on areas of renewable energy development. The argument that cumulative impacts are diminished or insignificant because other nearby projects have provided mitigation to lessen their impacts to less than significant would, in turn, be basing those impacts on inadequate evaluation and monitoring not yet performed post-construction, and when these projects may be in construction phases during overlapping times. There should also be proof that significant impacts are avoided by the measures suggested, otherwise they remain significant impacts.

Swainson's Hawk and Burrowing Owl Mitigation

Will there be surveys done that will prove the proposed projects will have reduced their impacts to Swainson's hawks? As I have mentioned in my response to the DEIR, all of these projects are within a five mile range of two Swainson's hawk nests (only ten breeding pairs in the Antelope Valley), and in fact, project two is directly adjacent to one known nesting site, and all the projects are within five miles of either known nesting site. The project proponents have suggested a range of mitigation land scenarios that do not comply with the CDFW's Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles And Kern Counties, California, June 2, 2010. In the section titled "Monitoring and Mitigation Plan Recommendations, number 3, it says, **"The plans should call for mitigating loss of Swainson's hawk foraging habitat by providing HM [Habitat Management] lands within the Antelope Valley Swainson's hawk breeding range at a minimum 2:1 ratio for such habitat impacted within a five-mile radius of active Swainson's hawk nest(s).** The Department considers a nest active if it was used one or more times within the last 5 years." Moreover, the CDFW's response letter to the NOP for Silverado Projects states:

> Based on known nesting locations and foraging accounts, DFG concludes that the construction of the project would result in loss of potential foraging and/or nesting habitat for Swainson's hawk. Foraging habitat for Swainson's hawk includes dry land and irrigated pasture, alfalfa, fallow fields, low-growing row or field crops, rice land, and cereal grain crops (CDFG 1994). Swainson's hawk may also forage in non-native annual grassland, and other desert scrub habitats that support suitable prey base.

In spite of this information provided by CDFW before the creation of the Draft Environmental Impact Review (DEIR), the document has seriously underestimated the impacts to breeding Swainson's hawks, and persisted in describing the project areas as "depauperate." Neither the DEIR, nor the FEIR have satisfied this mitigation requirement, in spite of the CDFW NOP, and the Swainson's Hawk Survey Protocols. Due to the significant impacts determined by CDFW, no reduction in acreage should be traded for quality of habitat. If anything improvement should be made, as indicated: "**Foraging habitat should be moderate to good with a capacity to improve in quality and value to Swainson's hawks, and must be within the Antelope Valley Swainson's hawk breeding range. Foraging habitat with suitable nest trees is preferred**" (CDFW Swainson's Protocols, page 8).

We argue as well for the improvement of burrowing owl habitat, that will most likely coincide with hawk mitigation land. CDFW's Staff Report on Burrowing Owl Mitigation 2012, Appendix F, Mitigation Management Plan, Item 3, states "Enhancement of the conserved lands (enhancement of reproductive capacity, enhancement of breeding areas and dispersal opportunities, and removal or control of population stressors). This argues for substantial effort at replacing lost habitat with improved conditions, not with using on site mitigation, or lands that have the potential to become fragmented by other projects. Mitigation Management also suggests minimum annual surveys over 5-10 year span to evaluate population size. Furthermore, as set forth in more detail in Appendix A:

> **In order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. The current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering,dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow.**

The intent of acquiring mitigation lands would be to select available parcels that would replace lost breeding/foraging/winter foraging habitat and enhance the overall quality of habitat for a variety of species. Additionally, the mitigation plans should include bird fatality reports for all species, since the recent reports of bird deaths from collision with solar panels.

Dust Control, Landscaping, Scenic Areas

As I stated in my letter addressing the DEIR, dust control measures following the Antelope Valley Air Quality Management District's Rule 403 have proven inadequate in controlling and mitigating fugitive dust. The continued assertion by the FEIR that this Rule 403 shall prove adequate in controlling fugitive dust is defective. Soil stabilizers were blown away with soil during several wind events during 2013. Also, Doctor of Environmental Engineering, Petra Pless has indicated that "visible dust is only an indicator that *Coccidiodes ssp* spores may be airborne in a given area". . ."may be present in air that appears relatively clear and dust free. . . Thus, implementation of dust control measures only when visible dust is present, will not provide protection to workers and the general public. . . In order to reduce exposure, soil disturbing activities should be timed to according to an area's rainy season" (Correspondence, West Antelope Solar (LACoRP), Lozeau Drury LLP, 20 November 2013).

Landscaping plans will not eliminate destruction to viewshed and wildflower fields that comprise project areas. The unlandscaped perimeter of AV Solar Ranch One is a good example of what our industrialized rural agricultural areas look like after construction. The small pine trees that line the perimeter fence along Highway 138 have failed to thrive, and those that survive will take at least ten years to provide screening, windbreak, or habitat. It is possible that rubber rabbit brush, watered, will grow seven to eight feet. If the landscaping extended to the entire perimeter of each project area, planted on a berm, it might be capable of *somewhat disguising* the solar panels, but must be replanted periodically.

There is no mitigation offered for the destruction of wildflower fields. The wildflower fields of the Antelope Valley bring visitors from all over the world, and are part of the Los Angeles County's Scenic Highway Element, 1974. While those roads around listed are not officially designated State Highways, they were chosen for their scenic qualities, and despite claims of suitably shielding hundreds and thousands of acres, with barbed wire, chain link fencing, 10,000gallon water tanks, and the panels

themselves, there is no mitigation to less than significant impact. As I stated in my DEIR letter, the General Plan, Land Use Section/Scenic Highways, III-55, says " Commercial or industrial uses should be conducted entirely within closed buildings, except for restaurants, recreational uses and gasoline service stations."

Finally, I am concerned that the DEIR and the FEIR, as written, will become part of the record. CEQA allows subsequent projects and programmatic EIRs to use studies and information from previously certified documents. Unless all of the concerns listed in my DEIR letter, this letter, and all of the concerns of other respondents can be adequately addressed, I request that the FEIR *not* be certified, and projects postponed or denied until review documents can be amended to the satisfaction of residents and other concerned citizens mindful of significant impacts to their health and happiness, and that of their natural surroundings. The FEIR should include detailed alternative plans for each significant impact area, if the situation occurs that sufficient mitigation is not attained with measures outlined in the current document, and Mitigation Monitoring reports should be available to the public on a regular basis. Once the FEIR is amended, it should be recirculated for public review.

Sincerely,

Susan Zahnter
Member, Concerned Citizens of the Western Antelope Valley

Dick Hague
Member, Concerned Citizens of the Western Antelope Valley

Copy to: Supervisor Michael D. Antonovich, Planning Deputy Edel Vizcarra, Field Deputy Norm Hickling, Planning Director Richard Bruckner, Renewable Energy Planner Jay Lee

Norm

CAS16811

Concerned Citizens of Western Antelope Valley
Friends of Antelope Valley Open Space
Three Points-Liebre Mountain Town Council, VP

Meeting, 23 April 2014, Fire Station 129, Lancaster's

Dear Supervisor Antonovich,

We truly appreciate the time you have taken to meet with us today. I have several concerns pertaining to industrial-scale renewable energy in the Western Antelope Valley.

We have asked Regional Planning to describe at what point the proliferation of utility-scale renewable energy development would tip the scales and change our rural communities recognized by the current Antelope Valley Areawide Plan as " [having] a wide variety of very low density, rural villages which are worthy of protection. Each is uniquely identifiable for its surroundings. Their residents express a sense of community pride and local identity. . . it is important to sustain these areas a unique, low-density 'living environments'" and supposedly protected by the General Plan and the Antelope Valley Areawide Plan. They said they did not know.

There are policy statements in planning documents that state they seek to "Promote air quality that is compatible with health, well-being, and enjoyment of life. The public nuisance, property and vegetative damage, and deterioration of aesthetic qualities that result from air pollution contaminants should be prevented to the greatest degree possible." So far, we have not seen any Best Management Practices that have been able to control the problems associated with air quality, although the ordinance relating to grading and solar projects may help. Letters from local city officials and AQMD have stated that the District's Rule 403, which outlines requirements for controlling fugitive dust is inadequate, and re-vegetation rates have an 80 percent failure rate. The photos of West Antelope Solar Project area, before and after rain shows what long term damage from tires can do.

For me, aesthetics have been an important feature in considering effects of renewable energy on local communities that have scenic routes identified in the Scenic Highways Element of the General Plan, 1974. Supposedly EIRs and MNDs address the impacts through landscaping plans that are no match for the beauty of the natural areas they propose to change. Chain-link fencing topped with barbed wire provides and industrial appearance to these projects, and small trees planted on north and east facing views, as at AVSR 1, will take many years to reach windbreak and effective screening height (see photos of AVSR1), east and west views.) Additionally, the General Plan, in its Land

Use Section/Scenic Highways, III-55 states, "Commercial or industrial uses should be conducted entirely within closed buildings, except for restaurants, recreational uses and gasoline service stations."

Repeatedly, significant impacts are explained away as "mitigated to less than significant." Planning policies that have the appearance of protecting rural communities and scenic areas are swept aside. They are no good to us if they are unenforceable, or can be overridden each time a project developer wants to rush a project because their financing, subsidies, or contracts will expire.

This leads me to finally ask, on behalf of our Town Council, that planning documents be posted and adequate time be allotted for public review. In the case of Silverado—5,500 pages, plus planning documents with ten days for review. (You have probably seen the email I sent recently expressing the need for this; see attached.) I also ask that Planning Commission Meetings concerning projects of such a nature--essentially industrializing our rural areas, be held in the Antelope Valley. To RP's credit, a hearing officer conducted a meeting in Lancaster for Silverado, but I assert it is not quite the same as commissioners seeing people show up for hearings, and is filtered through the hearing officer to the Planning Commissioners. We have asked for meetings here, and have been told it is too expensive. An alternative might be to hold meetings much like BOS meetings that are teleconferenced from the Lancaster Library.

Sincerely,

Susan Zahnter

Susan Zahnter
Member, CCWAV, FAVOS
Vice President, Three Points-Liebre Mountain Town Council

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

June 9, 2014

Ms. Susan Zahnter
Post Office Box 786
Lake Hughes, CA 93532

Dear Ms. Zahnter:

SILVERADO POWER WEST, LOS ANGELES COUNTY
SOLAR ENERGY PROJECTS 1-6

Thank you for your recent correspondence to Supervisor Michael D. Antonovich regarding your concerns pertaining to utility-scale renewable energy projects in the Antelope Valley, including the Silverado Power West, Los Angeles County Solar Energy Projects Nos. R2011-00833-(5), R2011-00798-(5), R2011-00799-(5), R2011-00807-(5), R2011-00801-(5), and R2011-00805-(5) (Silverado Projects). Supervisor Antonovich has requested that the Department of Regional Planning (Department) respond to you directly with a copy to his office.

I understand that you and other residents are concerned about the proliferation of renewable energy facilities in the West Antelope Valley, particularly with regard to health issues related to dust, aesthetic and visual impacts, and implementation of planning policies designed to protect local communities. The County is committed to ensuring that all renewable energy projects approved in the unincorporated areas fully mitigate their environmental impacts and are appropriately conditioned to minimize land use and other impacts.

With regard to dust controls, the Board adopted a Motion on May 14, 2013, directing the Department to improve mitigation measures and conditions related to grading and dust control in collaboration with the Departments of Public Works and Public Health. The Department's response, dated January 28, 2014, is attached to this letter. These dust controls and other measures are required conditions of approval for all solar projects going forward until such time as the Renewable Energy Ordinance is adopted. I anticipate that this Ordinance will include similar requirements

Pertaining to aesthetics and visual impacts, the Department has consistently enforced the Board's policy regarding the undergrounding of privately-owned transmission lines that directly serve renewable energy facilities, and solar panel arrays are restricted to ten feet in height or less to preserve long range views. Safety considerations and electrical utility regulations require perimeter fencing around utility-scale projects, and

electrical substations have specific design limitations regarding heights of equipment and fencing materials used, and other technical specifications limiting the aesthetic screening capability of such facilities.

.

All renewable energy applications in the Antelope Valley are subject to the policies of the Antelope Valley Areawide General Plan (Local Plan). The Local Plan encourages utility-scale electricity generation in the context of protecting the local community. To date, the County has approved five renewable energy projects: (1) AV Solar Ranch One, (2) Alpine Solar, (3) Sun Power Antelope Valley Solar (located in both Los Angeles and Kern Counties), (4) Rutan, and (5) West Antelope Solar Energy Project. With the exception of the Rutan Project (which did not require a public hearing), all projects have gone through the public hearing process and environmental review.

Though severe dust storms have been difficult to mitigate for developments under construction, all of these projects have been required to provide mitigation measures to protect the community. Additionally, each project is required to set aside preservation lands. In total, the approved projects entail the development of 4,481 acres and the preservation of approximately 2,532 acres of mitigation land. These projects will generate clean electricity compared to an equivalent amount of power generated by traditional fossil fuel sources.

Regarding concerns over the proliferation of solar projects in the West Antelope Valley, many applications for renewable energy have been withdrawn. In fact, of the 37 projects submitted since 2009, 23 have been withdrawn. Furthermore, two projects (NextEra Blue Sky Wind Energy Project and the Iberdrola Quail Lake Photovoltaic Project) are not proceeding at this time. Seven projects are currently active, including the six Silverado Projects.

Regarding public input pertaining to these projects, you may recall that a Hearing Examiner public hearing for the proposed Silverado Projects was conducted at the end of January of this year in the local community to take testimony on the subject projects as analyzed in the Draft Environmental Impact Report (Draft EIR). The testimony and responses to public comments were prepared and presented in a Final Environmental Impact Report (Final EIR) for the Regional Planning Commission (Commission) to consider at its scheduled May 7, 2014, public hearing. The public hearing before the Commission was continued to June 11, 2014, to allow more time for public review and input. I would also like to mention that we are conducting a "pilot project" to allow Antelope Valley citizens to provide testimony to the Commission directly through an audio-video conference set-up at the Department's Antelope Valley Field Office on June 11, 2014, starting at 9:00 a.m.

Regarding long-term considerations, after releasing the first draft of the Renewable Energy Ordinance on October 3, 2013, and receiving public feedback at its meeting on October 26, 2013, the Department released the second draft of the Renewable Energy Ordinance on May 5, 2014, and received additional public comments through June 4, 2014. I hope that you and other citizens will continue to be involved in our long-range planning processes, as they will help create a better framework for processing renewable energy projects in an efficient and equitable manner that respects State renewable energy mandates, while being sensitive to the local environment and local communities' concerns.

We appreciate your input and we trust that we have provided thorough answers through the above-mentioned Final EIR responses to your comments on the issues you and others have raised on the Draft EIR.

Thank you for your interest in these matters. Additional information may be found on the Department's website at planning.lacounty.gov/energy and the Silverado Projects in particular at planning.lacounty.gov/case/view/silverado/. If you have further questions, please contact Mr. Kim Szalay of my staff at (213) 974-4876 or by email at kszalay@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m.

Sincerely,

Richard J. Bruckner
Director

RJB:MC:SZD:KKS:kks:ems

Attachment

c: Supervisor Michael D. Antonovich (Edel Vizcarra, Norm Hickling)

S_AP_06094_5DAY_ZAHNTER